

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JIMMIE LEE STRAUGHTER,

Plaintiff,

v.

12-CV-825 (DAB)(DCF)  
ADOPTION OF REPORT AND  
RECOMMENDATION

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court on a Report and Recommendation from United States Magistrate Judge Michael H. Dolinger<sup>1</sup> dated April 21, 2015 ("Report"), which recommends remanding this case to the Commissioner for an analysis of the evidence that is consistent with the Social Security Act, federal regulations, and the Social Security Administration's rules regarding treating-physician opinions, credibility determinations, the materiality of drug addiction or alcoholism, and vocational capacity. For the reasons stated below, the Report and Recommendation is adopted in its entirety and the case is REMANDED to the Commissioner for further proceedings consistent with the Report.

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<sup>1</sup> The referral in this Action has since been reassigned to Magistrate Judge Debra C. Freeman.

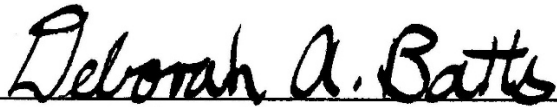
Plaintiff Jimmie Lee Straughter filed this action pursuant to Section 205(g) of the Social Security Act, as amended 42 U.S.C. § 405(g), to challenge the final decision of the Social Security Administration denying his application for Supplementary Security Income benefits. Both Plaintiff and the Commissioner have cross-moved for Judgment on the pleadings. The Report recommends that Plaintiff's Motion be granted in part, that Defendant's Motion be denied, and that the case be remanded to the Commissioner for further proceedings consistent with the Report. Neither Party has submitted any objections to the Report.

"Within 14 days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1). The Court may adopt those portions of the Report to which no timely objection has been made, as long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citation omitted). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate. 28 U.S.C. § 636(b)(1).

Having reviewed the Report and finding no clear error on the face of the record, it is hereby ORDERED that the Report is APPROVED, ADOPTED, and RATIFIED by the Court, and Plaintiff's Motion is GRANTED IN PART, Defendant's Motion is DENIED, and the case is REMANDED for further proceedings consistent with the Report.

SO ORDERED.

Dated:       October 16, 2015  
              New York, New York

  
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Deborah A. Batts  
United States District Judge